

## REMARKS

In accordance with the foregoing, the specification and claims 1-15 have been amended. Claims 16 and 17 has been added. Thus, in view of the foregoing, claims 1-17 are pending and under consideration.

## OBJECTIONS

The Examiner rejects claims 3, 4, 8 and 9 for various defects in the claims. Claims 3, 4, 8 and 9 have been amended to conformity with the Examiner's suggestions. Withdrawal of the rejection is respectfully requested.

## REJECTIONS under 35 U.S.C. § 101

Claims 1-12 and 14-15 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. The claims have been amended to recite "a computer-readable medium storing a program." Withdrawal of the rejections is respectfully requested.

## REJECTIONS under 35 U.S.C. § 102

Claims 1-15 stand rejected under 35 U.S.C. § 102(a) as being anticipated by Choi. Choi is directed to class use within a program, reducing the size of the executable by physically deleting unused data members or functions of the class. In contrast, the present claims are directed to the layout of data items, wherein the number of data items is reduced, by merging a plurality of data items into one.

Choi column 13, lines 22-36 state:

The class slicing technique of the present invention may be used in the compilation of program in order to reduce the space and time requirements of the program. The compilation process compiles a source program thereby generating a run-time representation of the source program. As shown in FIG. 2, the compilation process 210 accepts as an input (I) 212 a source program, and operates on it to an end of generating an output (O) 214 comprising a run-time representation of the source program. The run-time representation is typically executable on a specific computer architecture. The compilation process 210 typically includes front end processing (FE) 218, a symbol table 220 for recording information about symbols in the input program, intermediate language generation (ILG) 222, optimization (OPT) 224, and back end processing (BE) 226.

Nothing cited or found Choi merges data items into a new data item. Therefore, Choi fails to teach or suggest "determining whether or not a plurality of data items forming at least a part of a data item having a hierarchical structure in the unused data items can be merged into a

new data item based on the layout result," as in claim 1. To further emphasize this distinction, independent claims 1 and 13 are amended to recite "the number of unused data items is reduced by merging a plurality of unused data items forming a data item having a hierarchical structure into one data item based on the hierarchical level in the hierarchical structure and the arrangement of the data items in the memory; the program is optimized such that the necessary memory requirement during compilation or generation of a data item dictionary is reduced."

For the reasons stated above, independent claim 1 and 13 and the claims dependent therefrom are patentably distinguishable from Choi. Withdrawal of the rejections is respectfully requested.

As regards dependent claims 2-5, they are further distinguishable from Choi. Claim 2 recites "data items to be merged are laid out in adjacent areas." Claim 3 recites "said plurality of unused data items to be merged are data items forming a part of another data item having a hierarchical structure." Claim 4 recites "unused data items to be merged," and claim 5 recites "in the merge, deleting a code for declaration of a plurality of unused data items." As each of claims 2-5 is directed to merging unused data items and Choi as cited or found does not teach or suggest such a merge, the claims are patentably distinguishable from Choi. Withdrawal of the rejections is respectfully requested.

#### **NEW CLAIM**

Claims 16 and 17 are new. Support for claims 16 and 17 is found in independent claims 1 and 13 and on page 6, lines 1-8 of the application. Choi failing to teach or suggest "merging the re-extracted plurality of unused data items forming a data item having a hierarchical structure into one data item based on the hierarchical level in the hierarchical structure and the arrangement of the data items in the memory."

#### **SUMMARY**

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 10/669,570

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: October 26, 2006

By: /James J. Livingston/  
James L. Livingston  
Registration No. 55,394

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501